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| 09/539,193      | 03/30/2000  | Roger K. Brooks      | 930114.407          | 8635             |

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,193

Applicant(s)

BROOKS ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-18 and 27-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/30/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed on 30 March 2005 has been noted and made of record.
2. Claims 1-58 have been presented for examination.
3. Claims 6, 15, and 19-26 have been cancelled as per Applicant's request.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-5, 7-14, 16-18, and 27-58 have been considered but are moot in view of the new ground(s) of rejection.
5. See further rejections that follow.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, 5, 7-9, 27, 28, and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,160,544 to Hayashi et al., hereinafter Hayashi.
8. As per claims 1 and 27, Hayashi discloses a system for transferring real time video information from a source device to one of a plurality of output devices. Hayashi discloses at least one image-capturing device to acquire video information (Figure 2 [blocks 30<sub>x</sub>], column 4, lines 22-34), wherein the image capturing device includes a processor, a graphics module coupled to the processor, a browsing device coupled to the processor, a packetizing portion

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coupled to the processor, the packetizing portion being adapted to convert the video information into a single packetized stream of video information, the single packetized stream of video information being in a first format and an output device to transmit the single packetized stream of video information to a network. For more information about digital video cameras please refer to U.S. Patent No. 5,570,128; U.S. Patent No. 5,572,254; and U.S. Patent No. 5,343,243.

9. Hayashi teaches a network gateway coupled to the image-capturing device through the network, the network gateway being coupled to a worldwide network of computers (Figure 2 [blocks 38<sub>x</sub>, 42], column 4, line 51 to column 5, line 13), wherein the network gateway includes a gateway transcoding device to transcode the single packetized stream of video information from the first format into multiple compressed output streams of video information having second compression formats, the network gateway also including a packetizing portion to transfer the compressed out streams of video information in the second compression formats to the network.

10. Hayashi discloses at least one display device coupled to the network gateway through the world wide network of computers (Figure 2 [blocks 44<sub>x</sub>], column 5, line 57 to column 6, line 13), to convert one of the compressed output streams of video information that it receives into video information for display, the display device having a display for displaying the video information on the display device.

11. Hayashi discloses wherein the first format is selected from compressed and uncompressed audio video formats (column 9, lines 41-50).

12. Hayashi discloses wherein the network gateway can provide the multiple compressed output streams of video information, having the different second compression formats and which

were transcoded from the single packetized stream of video information having the first format, with unique sets of audiovisual characteristics, from which at least one compressed output stream can be selected to be displayed on the display (column 9, lines 41-59).

13. Regarding claims 2 and 28, Hayashi teaches wherein the gateway transcoding device decodes the single packetized stream of video information having the first format, and then re-encodes the decoded single stream of video information into the multiple compressed output streams having the second formats (column 9, lines 41-59).

14. Concerning claims 4 and 30, Hayashi teaches wherein the display device is selected from one of a plurality of devices including a portable computer, a laptop computer, a personal digital assistant, a web appliance, a personal computer, and a workstation (column 5, line 64 to column 6, line 13).

15. With regards to claims 5 and 31, Hayashi teaches wherein the first format, if compressed, is different in compression type from the second format (column 9, lines 41-59).

16. Regarding claims 7, 16, 32, and 40, Hayashi teaches wherein the second compression format is selected from the group consisting of MPEG-1, MPEG-2, MPEG-4, H.263, M-JPEG, M-GIF, ACELP, MP1, MP2, MP3, and G.723.1 (column 5, lines 32-50, column 9; lines 41-59). See MPEP 904.01(b) for a further discussion on art related equivalents.

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17. Regarding claims 8, 12, 33, and 37, Hayashi teaches wherein the image capturing device is a video camera (Figure 2 [blocks 30<sub>x</sub>], column 4, lines 22-34).

18. Concerning claims 9 and 34, Hayashi discloses wherein the network gateway comprises a lookup table (column 7, line 65 to column 8, line 18, i.e. IP table).

***Claim Rejections - 35 USC § 103***

19. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

20. Claims 3, 10, 29, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi.

21. With regards to claims 3 and 29, Hayashi does not disclose wherein the display device is coupled to a wireless network, the wireless network being coupled to the worldwide network of computers.

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the display device to be coupled to a wireless network, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

23. With regards to claims 10 and 35, Hayashi discloses wherein the image-capturing device is coupled to a personal computer (Figure 2 [blocks 30<sub>x</sub>], column 4, lines 22-34).

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24. Hayashi does disclose that the personal computer is coupled via a wireless medium to the network.

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the image-capturing device to a personal computer that is connected to a wireless network, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

26. Claims 11, 12, 14, 16, 36, 37, 39, 40, 47-51, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi- in view of U.S. Patent No. 6,201,536 to Hendricks et al., hereinafter Hendricks.

27. As per claims 11, 36, 49, and 54, Hayashi teaches a processor and a broadcast server coupled to a processor and coupled to a wide area network of computers (Figure 2, column 4, line 22 to column 6, line 14);

the broadcasting server includes an image retrieval portion configured to retrieve at least one incoming video signals in a first format (Figure 2 [blocks 30<sub>x</sub>], column 4, lines 22-34);

a transcoding module coupled to the image retrieval portion, the transcoding module configured to transcode the at least one incoming video signal from the first format into a plurality of second compression formats corresponding to a plurality of output video signals in response to the parameters (column 5, lines 33-58, column 9, lines 31-59);

wherein at least one of the second compression formats is more appropriate for the at least one display device than the first format (column 5, lines 33-58, column 9, lines 31-59); and

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28. Hayashi does not disclose transmitting to at least one mobile display device, a look up table to determine parameters for second compression formats for the incoming video signals; and

wherein either or both a video and audio characteristic associated with the at least one incoming video signals can be changed during transmission to provide a different optimized compressed output video signal to the at least one mobile display device in response to a change in any combination of a bandwidth condition, a display device characteristic, and a user preference.

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the display device to be mobile, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lookup table in the broadcast server, since Hendricks states in column 33, lines 1-17 that such a modification would allow modifications to the stream to be made in real-time.

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the broadcast server convert from one format to another, since Hendricks states at column 5, line 14-41 that such a modification would provide for flexibility to broadcast in different formats that are more suitable for the display device.



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32. Regarding claims 14 and 39, Hayashi teaches wherein transcoding module decodes the at least one incoming video signal having the first format, and then encodes resulting signals to provide the output video signals having the second format (column 5, lines 33-58, column 9, lines 31-59).

33. Regarding claims 43, 45, 47, 50, and 55, Hayashi teaches wherein the display device can select the stream to display on its display (column 5, line 64 to column 6, line 13).

34. Regarding claims 44, 46, 48, 51, and 56, Hayashi teaches wherein a component of the network gateway can select the output stream to be displayed by the display device (column 5, lines 32-63).

35. Claims 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi and Hendricks as applied above, and further in view of U.S. Patent No. 5,434,590 to Dinwiddie, Jr. et al., hereinafter Dinwiddie.

36. With regards to claims 13 and 38, Hayashi and Hendricks do not teach wherein the image retrieval portion is configured to receive the incoming video signals from a data file.

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive the incoming video signals from a data file (Dinwiddie: column 4, lines 16-29, i.e. video tape or disk), since Dinwiddie states at column 3, lines 5-11 that such a modification would allow for the real time composition and display of image signals without video memory.

38. Claims 17, 18, 41, 42, 52, 53, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi and Hendricks as applied above, and further in view of U.S. Patent No. 6,014,694 to Aharoni et al., hereinafter Aharoni.

39. Concerning claims 17 and 41, Hayashi and Hendricks do not teach wherein the parameters from the look up table includes pixel bit-depth data.

40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stream parameters, such as pixel bit-depth data (Aharoni: column 2, lines 11-28), since it has been held that account for adjustments involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

41. Regarding claims 18 and 42, Hayashi and Hendricks do not disclose wherein the parameters from the look up table includes frame rate data.

42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stream parameters, such as frame rate data (Aharoni: column 2, lines 11-28), since it has been held that account for adjustments involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

43. Regarding claims 52 and 57, Hayashi and Hendricks do not teach wherein a different video signal can be dynamically selected to be presented at the client device, instead of a current video signal, in response to a change in a bandwidth condition.

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44. Aharoni teaches wherein a different video signal can be dynamically selected to be presented at the client device, instead of a current video signal, in response to a change in a bandwidth condition in the abstract, figure 12, and column 2, lines 11-28, as well as throughout the patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to chose a different signal, since it has been held that making an adjustment to the data stream involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

45. With regards to claim 53, Aharoni teaches wherein the different video signal has at least one of a different frame dimension and a different associated audio characteristic (column 2, lines 11-28).

46. Regarding claim 58, Hayashi and Hendricks do not teach wherein the means for dynamically selecting the different video signal includes a means for dynamically selecting a video signal having at least one of a different frame dimension and different associated audio.

47. Aharoni teaches wherein the means for dynamically selecting the different video signal includes a means for dynamically selecting a video signal having at least one of a different frame dimension and different associated audio in the abstract, figure 12, and column 2, lines 11-28, as well as throughout the patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to chose a different signal, since it has been held that making an adjustment to the data stream involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

*Conclusion*

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

49. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

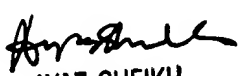
50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

51. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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52. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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